D.B. CIVIL SPECIAL APPEAL (WRIT) NO.275/2006

[The State of Raj. & Ors. Vs. Rajesh Kumar Sharma]

Date : 17.5.2006

PRESENT

HON'BLE JUSTICE MR. RAJESH BALIA
HON'BLE JUSTICE MR. R.P. VYAS

Mr. L.R. Upadhyay, Dy. Government Advocate.

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Having heard learned counsel for the appellant we are of the opinion that it is not a fit case in which interference is called for in the directions issued by the learned Single Judge.

The admitted position of the case is that the appellants have not advertised for filling the vacancies existing for the teacher grade II and teacher grade III for 4 years and by the time the impugned advertisement was issued, many persons who were eligible for being considered against the vacancies that have become available meanwhile and in respect of that the State Government has not taken any step for filling those vacancies, became overage.

The learned Single Judge has invited attention of the State Government to the rules enabling it to relax the maximum age

limit in case of applicant or generally keeping in view the consequences with which the candidate may suffer in the circumstances and directed the Administrative Department of the Government of Rajasthan to consider the case of the petitioner in accordance with the Rule 38 of the Rules of 1971. The Administrative Department while considering the case of the petitioner for relaxation in maximum age limit was to keep in vision the age relaxation provided under various provisos to Rule 10 of the Rules of 1971 and also the fact that the petitioner faced interview under the interim directions given by this Court.

In the circumstances, we are of the opinion that the order passed by the learned Single Judge does not call for interference. The appeal fails and is hereby dismissed.

[R.P. VYAS], J. [RAJESH BALIA], J.

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